

### **REMARKS**

The Non Final Office Action mailed October 2, 2008 has been reviewed and carefully considered. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-20 are pending in this application. Claims 1, 3, 8, 10, 14 and 16 have been amended. New claims 18-20 have been added. No new matter has been added.

### **DRAWINGS:**

The drawings were objected to as failing to comply with 37 C.F.R. 1.84(p)(4) because reference character "111" has been used to designate both TV1 and TV2 in FIG. 1.

Corrected drawings showing FIG. 1 amended to label TV1 with reference numeral "111" and TV2 with reference numeral "113" were previously filed on December 18, 2008. Accordingly, withdrawal of the drawings objection is respectfully requested.

### **§102/103 REJECTIONS**

Claims 1, 2, 4-9, 11-14 and 17 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2006/0161956 to Wasilewski et al. (hereinafter Wasilewski). Claims 3, 10, 15 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski in view of U.S. Patent Application No. 2005/0235322 to Ellis et al. (hereinafter Ellis). Applicant respectfully disagrees with the rejections and has made amendments to further clarify the distinguishing features of the present invention over the cited references.

Namely, independent claim 1 has been amended to recite, *inter alia*:

“...providing a reminder customizer on at least a first instrument of a plurality of instruments in communication with each other, wherein the reminder customizer includes a reminder options feature for permitting a user to indicate at least one of a plurality of devices on which the reminder is to appear;

indicating at least one programming event for which a reminder is desired;  
specifying at least one user-desired instrument from the plurality of instruments on which an auto-tune feature is desired to be implemented.”

Independent claim 8 has been amended to recite, *inter alia*:

“...providing a reminder customizer on at least one set top box of a plurality of set top boxes in communication with each other;

providing a user interface for interactive communication with said reminder customizer, said user interface providing a reminder options feature to permit a user to indicate at least one of a plurality of devices, capable of displaying the programming event, on which the reminder is to appear;

indicating at least one programming event for which a reminder is desired;  
specifying at least one user-desired set top box from the plurality of set top boxes on which an auto-tune feature is desired to be implemented.”

Independent claim 14 has been amended to recite, *inter alia*:

“...a reminder options feature for enabling a user to indicate at least one programming event for which a reminder is desired and permitting a user to select at least one device for displaying the reminder at that device; and

a customizable auto-tune feature which permits the user to specify at least one user-desired set top box from a plurality of set top boxes in communication with each other, on which an auto-tune feature is desired to be implemented; ...”

These amendments are supported by the specification, e.g., on page 5, lines 30-31; page 7, lines 16-22 and FIG. 3.

Wasilewski involves a system and method for managing user-defined settings, such as reminder messages for reminding the user of upcoming television programs, in a television system. Reminder messages are scheduled by the user via a first digital home communication terminal (DHCT or set top box) which transmits a reminder request to a second DHCT.

However, Wasilewski fails to disclose or suggest any auto-tune feature, much less at least a customizable auto-tune feature which permits the user to specify that the programming event for which the reminder is created is automatically tuned to a designated time on a desired device, as affirmed by the Examiner on page 6 of the Office Action mailed October 2, 2008. As such, it is readily apparent that Wasilewski fails to disclose or suggest at least indicating at least one programming event for which a reminder is desired, and **specifying at least one user-desired instrument from the plurality of instruments on which an auto-tune feature is desired to be implemented**, essentially as now claimed in presently pending claims 1, 8 and 14.

Applicant respectfully submits that Ellis fails to cure the deficiencies of Wasilewski. Ellis teaches an interactive program guide system enabling a user to watch one program while simultaneously recording another program, without interrupting the recording or viewing process. The program guide of Ellis is designed to perform an allocation function amongst multiple tuners, or a single tuner in conjunction with a RF bypass switch inside or outside a set top box.

One option provided by the interactive program guide of Ellis is a watch option. For a program that will be broadcast in the future, the watch option allows a user to set a reminder that will remind the user that the selected program is about to begin. The user may

set the reminder that will be displayed while the viewer is watching a television program, or the user may set the reminder to automatically tune to the selected program when it is time for that program to begin.

However, Ellis's arrangement for implementing its interactive television program guide system involves a two-tuner set top box. Throughout Ellis's entire disclosure, there is no showing or discussion whatsoever of multiple set top boxes **in communication with each other**, and no mention of any 'network' system of set top boxes operably communicating with each other. *See* FIG. 1A, 2A and 2B. Instead, Ellis's system is configured for individual user interaction and request handling within EACH individual set top box. *See* paragraph [0036] reciting:

"Each set top box 112 preferably contains a processor to handle tasks associated with implementing an interactive television program guide application on set top box 112."

Thus, there is clearly no ability or enablement in Ellis for a user to use a program guide on one set top box to control other set top boxes, much less selectively command an auto-tune feature to be implemented in certain user-desired set top boxes, as in the presently claimed invention. Advantageously, a customizable auto-tune feature according to the present invention enables a programming event for which the reminder is desired, to be automatically tuned to on any user-specified set top box at the time and date at which the program is scheduled to be aired.

Ellis fails to disclose or suggest at least indicating at least one programming event for which a reminder is desired, and **specifying at least one user-desired instrument from the plurality of instruments on which an auto-tune feature is desired to be implemented**, essentially as now claimed in claims 1, 8 and 14.

Accordingly, claims 1, 8 and 14 are asserted to be patentable and nonobvious over Wasilewski and/or Ellis for at least the reasons stated above. Claims 2-7, 9-13 and 15-17 depend from claims 1, 8 and 14, respectively. The dependent claims include the limitations of their respective independent claims and are therefore believed to be patentable and nonobvious for at least the reasons stated for claims 1, 8 and 14.

Withdrawal of all the rejections and early and favorable reconsideration of this application is respectfully requested.

**CONCLUSION**

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Non Final Office Action of October 2, 2008 be withdrawn, that pending Claims 1-20 be allowed, and that the case proceed to early issuance of Letters patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 07-0832.

Respectfully submitted,

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